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-- REMARKS --

No new matter has been added with the amendment to the specification, said amendment merely correcting typographical errors.

Applicants request the PTO update their records to show that the Attorney Docket for this matter should be DP-308395 as noted by the corrected Declaration filed on June 28, 2004.

The objection to the drawings has been obviated by the submission of the attached replacement figure.

The objections to claims 35, 36, 40, 41, 44, and 47 have been obviated by amendment of typographical errors, and Applicants request withdrawal of the objections.

The objection to claim 53 is traversed, as both RPC entry point and RPC term are fully defined and clear. The Examiner is directed to FIG. 7, and steps 126 and 128, as well as the specification at page 19 lines 7-13 *inter alia*. Those of ordinary skill in the art would readily comprehend the meaning of the claim. Additionally, those of ordinary skill in the art are acquainted with calculations for RPC entry points and RPC terms. Therefore, claims 54-62 do not inherit any indefiniteness. Applicants request withdrawal of the objections to claims 53-62.

The objection to claim 63 is traversed. DRP is specifically defined in the preamble to claim 63, and those of ordinary skill in the art would readily comprehend the meaning of the claim. See, *inter alia*, FIG. 8 and page 19, lines 1-6. Therefore, claims 64-71 do not inherit any indefiniteness. Applicants request withdrawal of the objections to claims 63-71.

The §102(b) rejection of claims 1, 5, 30, 34, 35, 43, 44, 46, 49 and 52 is traversed. Atkins does not disclose "controlling the HCU as a function of the rotational speeds of the at least one *front* and one rear wheel," (emphasis added) as claimed in claims 1, 30, and 43. A review of Atkins indicates that the HCU is not controlled as a function of the front wheel speed, and no wheel speed sensor is disclosed for the front wheels. The Examiner's citation to column 1 lines 18-33 and 51-55 is misplaced, as Atkins never

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discloses controlling the HCU as a function of the rotational speed of a front wheel. Withdrawal of the rejections to claims 1, 30, and 43, as well as claims 5, 34, 35, 44, 46, 49 and 52 depending therefrom is requested.

Additionally, Atkins does not disclose closing the apply and release valves as a function of the rotational speeds of at least one *front* and one rear wheel" (emphasis added) as claimed in claim 49. Similarly, Atkins does not disclose "inhibiting control of both the fluid pressure applied to the rear brakes during the braking cycle and the fluid flow to and from the fluid storage element as a function of the rotational speeds of at least one front and one rear wheel" as claimed in claim 52.

Withdrawal of the rejections to claims 1, 5, 30, 34, 35, 43, 44, 46, 49 and 52 is requested.

Claim 52 was rejected under 35 U.S.C. §102(b) by Atkins in view of the disclosed background of the invention. This rejection is traversed. To maintain this rejection, each and every element of the claim must be disclosed in at least as great detail as claimed by a single reference. By the Examiner's own admission, "Atkins does not explicitly disclose that the vehicle is operable in a four-wheel drive mode." Therefore, the Examiner admits failure to prove a *prima facie* case of anticipation under 35 U.S.C. §102(b), and this rejection should be withdrawn. To the extent that the Examiner intended to render a §103(a) rejection, the rejection is also traversed, as the prior art teaches away from use of a front wheel speed as noted by the background. See, the specification at page 3, lines 9-12. Withdrawal of the rejection of claim 52 is requested.

Applicants traverse the objection to claims 2-4, 6-29, 31-33, 36-42, 45 and 48, as each of these claims depends from an allowable independent claim. Withdrawal of the objections to claims 2-4, 6-29, 31-33, 36-42, 45 and 48 is requested.

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CONCLUSION

The Applicants respectfully submit that claims 1-71 fully satisfy the requirements of 35 U.S.C. §§ 102, 103, and 112. In view of the foregoing remarks, favorable consideration and passage to issue of the present application are respectfully requested.

Respectfully submitted,

Dated: July 25, 2005

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